

**STATE OF INDIANA – COUNTY OF KNOX
IN THE CIRCUIT AND SUPERIOR COURTS**

**NOTICE OF PROPOSED AMENDED LOCAL COURT RULES
June 5, 2014**

In accordance with Trial Rule 81 of the Indiana Court Rules, the judges of the Knox Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend their current local court rules concerning the assignment of criminal cases at **LR42-CR2.2-2.0**, the criminal bond schedule at **LR42-CR00-2.2**, and the caseload allocation plan at **LR42-AR00-3.4**. We find that good cause exists to deviate from the schedule for adopting or amending local rules. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. We request Supreme Court approval if necessary.

The time period for the bar and the public to comment will begin on **June 5, 2014**, and will close on **July 5, 2014**.

The effective date for the amended rules will be **July 1, 2014**.

Comments by the bar and the public should be made in writing and mailed, or emailed, to any of the judges of the Courts.

A paper copy of the proposed new and amended local rules will be made available for viewing in the office of the Clerk of Knox County, 111 North Seventh Street, Vincennes, IN 47591, during normal business hours. Persons with Internet access may view the proposed amended local rules at the following website:

<http://www.in.gov/judiciary/2929.htm>

/S/ Sherry L. Gregg Gilmore
Sherry B. Gregg Gilmore
Judge, Knox Circuit Court

/S/ W. Timothy Crowley
W. Timothy Crowley
Judge, Knox
Superior Court 1

/S/ Jim R. Osborne
Jim R. Osborne
Judge, Knox
Superior Court 2

LR42-CR2.2-2.0

ASSIGNMENT OF CRIMINAL CASES; SPECIAL JUDGES (Criminal Matters)

This rule is adopted pursuant to Indiana Criminal Rules 2.2, 12 and 13 for the assignment of cases and selection of a Special Judge in criminal matters.

A. MURDER CASES:

Murder cases shall be assigned to the Knox Circuit Court and the Knox Superior Court 1 on an equal basis.

~~B. CLASS A, B, AND C FELONY CASES:~~

~~All class A, B, and C felonies shall be assigned to the Knox Circuit Court and Knox Superior Court 1 on an equal basis. In the event a case charges both a Class A, B, and C felony and also a Class D felony or misdemeanor offense, the case shall be considered a Class A, B, or C felony for assignment to Knox Circuit Court or Knox Superior Court 1.~~

B. LEVELS 1 THROUGH 6 FELONY CASES:

All Level 1 through 6 Felony cases shall be assigned to the Knox Circuit Court and the Knox Superior Court 1 on an equal basis with the exception of felony operating a motor vehicle while intoxicated cases and felony habitual traffic offender cases. Those cases shall be assigned to the Knox Superior Court II. In the event a case charges both a Level 1-6 felony and misdemeanor offense, the case shall be considered a level 1-6 felony for assignment to the Knox Circuit Court or the Knox Superior Court 1.

~~C. NEGLECT AND NON-SUPPORT CASES:~~

~~Cases involving neglect of a dependent or child selling filed under I.C. 35-46-4 shall be filed in the Knox Superior Court 1. Felony non-support cases filed under I.C. 35-46-1-5 or I.C. 35-46-1-6 shall be assigned to the Court that issued the original support Order.~~

C. FELONIES COMMITTED PRIOR TO JULY 1, 2014:

All felonies filed with an A, B, C or D designation relating to acts committed prior to July 1, 2014, shall be assigned to the Knox Circuit Court and the Knox Superior Court 1, on an equal basis with the exception of felony operating a motor vehicle while intoxicated cases and felony habitual traffic offender cases. Those cases shall be assigned to the Knox Superior Court II.

D. JUVENILE OFFENDERS WAIVED TO ADULT STATUS:

The Knox Superior Court 1 shall be assigned the cases of juvenile offenders waived to adult status following a waiver of juvenile jurisdiction pursuant to I.C. 31-30-3.

~~E.~~ METHAMPHETAMINE POSSESSION AND PRECURSORS CASES:

~~All methamphetamine possession cases filed under I.C. 35-48-4-7 and all methamphetamine precursors cases filed under I.C. 35-48-4-14.5 shall be assigned to the Knox Circuit Court and the Knox Superior Court 1 on an equal basis.~~

~~F.~~ E. INVASION OF PRIVACY:

A misdemeanor charge of invasion of privacy pursuant to I.C. 35-46-1-15.1 shall be assigned to the Court that issued the original protective order, workplace violence restraining order or no contact order.

~~G.~~ F. CLASS D FELONY, MISDEMEANOR AND INFRACTION CASES:

Other than those cases assigned to the Knox Circuit Court, or to the Knox Superior Court 1, pursuant to the provisions of paragraphs ~~C, D, E, and F~~ B and D above, ~~all D-felony cases~~, all misdemeanor cases and all infraction cases shall be assigned to the Knox Superior Court II.

~~H.~~ G. SUBSEQUENT FELONY CHARGES:

In the interests of judicial economy, if a person has a felony charge pending in the Knox Circuit Court or the Knox Superior Court 1, all subsequent felony charges filed against that same person shall be filed in the Court where the original felony charge is pending. This provision shall take precedence over the other provisions of this rule set forth above.

~~G.~~ H. SEPARATE FELONY CHARGES IN DIFFERENT COURTS:

If a person has separate felony charges pending in more than one Court in Knox County, the State, at its option, may dismiss the more recent felony charge or charges and re-file said charges in the Knox County Court having the oldest pending felony charge against the person. In the event the State dismisses and re-files charges against a person, the State shall provide a copy of the Chronological Case Summary (CCS) to the Court where the charges are to be re-filed so that said Court will be advised of any potential tacking problem.

~~J.~~ I. ASSIGNMENT OF SPECIAL JUDGES:

In the event of the recusal of a Judge, a change of Judge, or when it becomes necessary to assign another Judge in any criminal case, the case shall be assigned to one of the following Judges who have agreed to serve as a Special Judge in that Court:

Knox Circuit Court:

Judge of the Knox Superior Court 1
Judge of the Knox Superior Court II
Judge of the Daviess Circuit Court
Judge of the Daviess Superior Court
Judge of the Pike Circuit Court

Knox Superior Court 1:

Judge of the Knox Circuit Court
Judge of the Knox Superior Court II
Judge of the Daviess Circuit Court
Judge of the Daviess Superior Court
Judge of the Pike Circuit Court

Knox Superior Court II:

Judge of the Knox Circuit Court
Judge of the Knox Superior Court 1
Judge of the Daviess Circuit Court
Judge of the Daviess Superior Court
Judge of the Pike Circuit Court
Judge of the Greene Superior Court

The Clerk is to select a Judge to be assigned by drawing a name from the above-listed Judges, for the appropriate Court, and from time to time thereafter from the remaining Judges until all the listed Judges have been assigned an equal number of cases.

LR42-CR00-2.2
CRIMINAL BOND SCHEDULE

Hereafter, until further Order of Knox County Courts, the amounts to which persons charged by indictment or information in the Knox Circuit Court, the Knox Superior Court 1 or the Knox Superior Court II with a crime shall be held to bail shall be as follows:

Class A Felony	\$50,000	All Driving While Intoxicated	\$5,000
Class B Felony	\$25,000	(unless charged as a D Felony)	
Class C Felony	\$10,000		
Class D Felony	\$ 6,500	All Other:	
		Class A Misdemeanor	\$4,000
Habitual Offender	\$50,000	Class B Misdemeanor	\$3,000
Extradition	\$25,000	Class C Misdemeanor	\$2,000

<u>Level 1 Felony</u>	<u>\$75,000</u>
<u>Level 2 Felony</u>	<u>\$50,000</u>
<u>Level 3 Felony</u>	<u>\$25,000</u>
<u>Level 4 Felony</u>	<u>\$15,000</u>
<u>Level 5 Felony</u>	<u>\$10,000</u>
<u>Level 6 Felony</u>	<u>\$5,000</u>

<u>Class A Misdemeanor</u>	<u>\$4,000</u>
<u>Class B Misdemeanor</u>	<u>\$3,000</u>
<u>Class C Misdemeanor</u>	<u>\$2,000</u>

<u>Habitual Offender</u>	<u>\$50,000</u>
<u>Extradition</u>	<u>\$25,000</u>

Provided, however, that:

- (a) Those persons charged with Murder shall be held without bail; and
- (b) Those persons charged with Battery related to domestic or family violence or with Invasion of Privacy shall be held without bail for 48 hours.

The foregoing schedule shall apply to all persons charged with crimes in these Courts unless otherwise endorsed upon the warrant following a probable cause determination or otherwise Ordered by the Court. Persons charged with multiple crimes on the same indictment or information shall be held to bail only on the crime requiring the highest amount of bail.

LR42-AR00-3.4

LOCAL RULE CONCERNING CASELOAD ALLOCATION PLAN

~~(Effective July 1, 2008)~~ (Effective July 1, 2014)

In conformance with the Order of the Indiana Supreme Court, the Judges of the Knox County Courts submit their proposed Knox County Caseload Allocation Plan as follows:

1. On or before April 1 of each year, the Judges of the Knox County Courts shall meet to review the Weighted Caseload Measures statistics as calculated by the Division of State Court Administration from the preceding calendar year. The utilization percentage between the Courts shall be re-evaluated yearly to assess what actual disparities may exist. In the event the utilization percentages of the Courts are within forty percentage points (40%) of each other, it shall be presumed that no action is necessary to reduce the disparity. If the utilization percentage between the Courts differs by more than forty percentage points (40%) in a calendar year, it shall be presumed that the disparity must be reduced.
2. Should action be required to reduce a disparity in caseload, the Judges may agree to accomplish the reduction in any reasonable manner.
3. The Knox Superior Court II shall no longer accept “PL” (civil plenary), “MF” (mortgage foreclosures), and “CT” (civil tort) filings. Instead, these cases shall be filed in the Knox Circuit Court or in the Knox Superior Court 1.
4. Eviction cases shall continue to be filed in the Knox Superior Court II, but, effective immediately, eviction cases shall be filed as a “SC” (small claims) filing rather than as an “MI” (miscellaneous) filing.
5. Effective July 1, 2008, the Knox Superior Court II shall no longer accept pro se Petitions for Dissolution of Marriage. Instead, pro se Petitions for Dissolution must be filed in the Knox Circuit Court or the Knox Superior Court 1.
6. Effective July 1, 2014, all felonies shall be assigned to the Knox Circuit Court and the Knox Superior Court 1 on an equal basis with the exception of felony operating a motor vehicle while intoxicated cases and felony habitual traffic offender cases. Those cases shall be assigned to the Knox Superior Court II.